

Adam Pennella, SBN 246260
Wolf, Pennella & Stevens, LLP
717 Washington Street
Oakland, CA 94607
P. (510) 451-4600
F. (510) 451-3002
adam@wps-law.com

Counsel for Defendant
Oscar Vargas

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

OSCAR VARGAS,
Defendant

Case No.: CR 14-70886 MAG

STIPULATION AND ~~PROPOSED~~
ORDER WAIVING DEFENDANT'S
PERSONAL APPEARANCE

Date: September 21, 2015
Time: 9:30 a.m.
Honorable Kandis A. Westmore

IT IS HEREBY STIPULATED by and between the parties hereto and undersigned counsel, and with the consent of defendant Oscar Vargas, that pursuant to Federal Rule of Criminal Procedure 43, his personal appearance be waived for the hearing set for September 21, 2015.

It is anticipated that at the hearing set for September 21, 2015 will serve as a status hearing (not an arraignment), as the referral for pretrial diversion is pending U.S. Attorney supervisor review and approval.

Mr. Vargas was released on pretrial supervision in this matter in July, 2014 and successfully completed a residential substance abuse treatment program. Thereafter, he has been of perfect compliance with the terms of his pretrial release, including weekly outpatient treatment, drug testing and voluntarily attending Narcotics Anonymous meetings multiple times

1 per week for the months thereafter. He is currently living in Modesto and attending truck
2 driving school. In order to attend court, he would have to take a day off from that instruction,
3 rent a car and drive to the Bay Area. Given those factors, he requests a waiver at the upcoming
4 appearance.

5 Government counsel does not oppose the waiver of Mr. Vargas' appearance for the
6 hearing set for September 21, 2015.

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8 **IT IS SO STIPULATED**

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10 Dated: September 17, 2015

_____/s/_____
Adam Pennella
Counsel for Oscar Vargas


11
12
13 Dated: September 17, 2015

BRIAN STRETCH
UNITED STATES ATTORNEY

14
15 _____/s/_____
16 Katie Medearis
Assistant United States Attorney

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19 **SO ORDERED**

20
21 Dated: 9/18/15



Honorable Kandis A. Westmore
United States Magistrate Judge